

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PASTOR ADEN RUSFELDT,

Plaintiff,

22-cv-0594 (PKC)

-against-

ORDER

CITY OF NEW YORK, NEW YORK; and
STEPHEN HUGHES, in his Individual and
Official Capacity as Assistant Chief of the City
of New York Police Department,

Defendants.

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CASTEL, U.S.D.J.:

The Court appreciates the efforts of the parties to simplify the case by a renewed round of summary judgment motions. The parties took three months and eleven days, exclusive of pre-motion letters and post-briefing supplemental authority, to brief their motions and cross-motions for summary judgment. The Court ruled on the motions in a 32-page Opinion. No motion to reconsider was filed by either party.

Now, apparently, the parties have agreed to certain facts or perhaps different legal conclusions to be ascribed to facts long known. A party's Rule 56.1 Statement and the opposing party's response is a guide to the evidentiary record and does not have the same evidentiary effect of a stipulation. The parties' Joint Pre-Trial Order is an appropriate place to locate stipulations of fact. See Individual Practices at 6(A)(ii). The Court will continue to stay on Monell discovery and sets the following schedule on Final Pre-Trial Submissions:

1. Plaintiff's proposed voir dire, proposed verdict sheet, proposed jury instructions and their motions in limine shall be filed by February 7, 2025, with a copy of the voir dire, verdict sheet and jury instructions and a pre-trial memorandum emailed to the Chambers email inbox in MS Word format. Also, by February 7, 2025, plaintiff shall deliver to defendants in MS Word format his portion of the proposed Joint Pre-Trial Order.

2. Defendants' proposed voir dire, proposed verdict sheet, proposed jury instruction, its motions in limine and a pre-trial memorandum and their responses to plaintiff's motions in limine shall be filed by March 7, 2025, with a copy of the voir dire, verdict sheet and jury instructions emailed to the Chambers email inbox in MS Word Format. Also, by March 7, defendants shall deliver in MS word format to plaintiff their portion of the proposed Joint Pre-Trial Order merged with plaintiff's portion.

3. By March 21, 2025, plaintiff shall file his response to defendants' motions in limine and any reply to defendants' pre-trial memorandum. Also, by March 21, 2025, the parties shall file the proposed Joint Pre-Trial Order.

4. The Final Pre-Trial Conference will be held on April 15, 2025, at 11:00 a.m. in Courtroom 11D.

5. If the Court concludes at the Final Pre-Trial Conference—or after hearing opening arguments, that judgment as a matter of law ought to be granted to one party or another, it retains the authority to do so.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
December 27, 2024